

UNITED STATES DISTRICT COURT DISTRICT OF DELAWARE

ADAM WENZKE  
PLAINTIFF

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CORRECTIONAL MEDICAL  
SYSTEMS, DR. DESROSIER  
DR. TADEO, MR. ALTMAN  
DR. SMITH, MR. JIM WELCH  
BETTY BRADLEY, NECHELLE  
D. BUTCHER, AND STEPHANIE  
MOWBRAY  
DEFENDANTS

CASE No. 007-504 SLR

JURY TRIAL DEMANDED

2008 MAY -2 PM 3:00  
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PLAINTIFF'S OPPOSITION MOTION TO DEFENDANTS OPPOSITION  
MOTION FOR APPOINTMENT OF COUNSEL

Comes now PLAINTIFF'S OPPOSITION MOTION TO DEFENDANTS  
OPPOSITION MOTION FOR APPOINTMENT OF  
COUNSEL AND STATES AS FOLLOWS:

- 1.) PLAINTIFF IS HOUSED IN MHU #23 AT THE DELAWARE  
CORRECTIONAL CENTER. IN THIS PART OF THE PRISON  
YOU ARE NOT ALLOWED TO GO TO THE LAW LIBRARY.  
(RAYES V. JOHNSON 969 F.2d AT 703-04)
- 2.) PLAINTIFF IS FORCED TO USE THE UNRELIABLE IN HOUSE  
MAIL SYSTEM TO REQUEST LEGAL MATERIAL, AND WAIT

FOR A REPLY, INCLUDING PHOTO COPIES. MOST OF THE TIME PLAINTIFF DOESN'T KNOW <sup>WHAT</sup> HE'S DOING OR WHAT TO ASK FOR.

3.) IF PLAINTIFF HAS A LEGAL QUESTION, THE CIVILIAN WHO'S WORKING IN THE PRISON LAW LIBRARY WILL NOT ANSWER IT. THEY WILL SEND IT TO ANOTHER LAW LIBRARY LOCATED SOMEWHERE ELSE IN THE PRISON AND A INMATE PARALEGAL WILL ANSWER THE QUESTION. I DON'T KNOW IF HE'S TELLING ME THE TRUTH OR NOT, OR MY BEST LEGAL OPTION TO APPROACH THE COURTS WITH.

4.) PLAINTIFF IS UNLEARNED IN FEDERAL LAW AND THE COMPLEXITY OF THE LEGAL ISSUES. (TUCKER v RANDALL 948 F2d 388, 391-92 (7th Cir. 1991)) OPPOSING COUNSEL WOULD LIKE THE COURT TO BELIEVE THAT THE PLAINTIFF IS DEMONSTRATING THE ABILITY TO REPRESENT HIMSELF, BUT THE TRUTH IS THE MORE I STUDY CASE LAW, THE LESS I UNDERSTAND. (JAVERI v McMICKEYS 460 F Supp. 325-26 (S.D.N.Y. 1987))

5.) PLAINTIFF CANNOT AFFORD A ATTORNEY. (KNIGHTON v WATKINS 616 F2d 795, 799 (5th Cir 1980)) PLAINTIFF'S

BEEN IN PRISON FOR OVER 12 YEARS AND HAS NO PRISON JOB AND NO OTHER MEANS OF OBTAINING FUNDS. I WAS BLESSED TO HAVE A MOTHER WHO SENDS ME MONEY OCCASSIONALLY FOR THE BASIC NECESSITIES SUCH AS COSMETICS.

6.) PLAINTIFF HAS DESPERATELY TRIED TO OBTAIN COUNSEL, BUT WHEN YOU HAVE NO. MONEY AND YOU ARE INCARCERATED; NO ONE REPLIES BACK TO YOU BY MAIL, BECAUSE THEY DONT HAVE TO. PLAINTIFF HAS WROTE SEVEN DIFFERENT ATTORNEYS WITH NO REPLY FROM ANY OF THEM. <sup>1)</sup> POTTER, CARMINE, LEDNARD AND HARLSON, <sup>2)</sup> EDWARDS, ANGELL, PALMER AND DOOGUE LLP, <sup>3)</sup> GRADY & HAMPTON P.A., <sup>4)</sup> JOSEPH BERNSEIN, <sup>5)</sup> THOMAS NEUBERGER, <sup>6)</sup> JEFFERY MARTIN P.A., <sup>7)</sup> STEPHEN HAMPTON P.A. I ALSO WROTE THE A C L U - "NO REPLY" AND THE ONLY COMPANY THAT DID WRITE BACK WAS DELAWARE VOLUNTEER LEGAL SERVICES INC. (SEE ATTACHMENT 1). AS YOU CAN SEE THEY ALSO WANT MONEY UP FRONT, WHICH I DONT HAVE. (ROSE V. BACINE CORRECTIONAL INSTITUTE 141 F.R.D. 105 106-07 (E.D. WIS 1992)) (COOPER V SARGENTI CO. INC 877 F.2d AT 773-74)

7) PLAINTIFF CANNOT PURSUE A FACTUAL INVESTIGATION FROM PRISON. PLAINTIFF ALSO RELIEVES THE "COLD SHOULDER" FROM CORRECTIONAL OFFICERS AND THE D.C.C. ADMINISTRATION WHEN I START ASKING QUESTIONS THAT NOBODY WANTS TO ANSWER JUST BECAUSE I'M A INMATE

8.) PLAINTIFF IS NOT DEMANDING AN ATTORNEY AS DEFENCE COUNSEL IMPLIED IN THEIR OPPOSITION MOTION AGAINST ME. I'M SIMPLY ASKING THE COURT FOR A LITTLE HELP IN OBTAINING A PRL BOND ATTORNEY IF POSSIBLE. (HAHN V McLEY 737 F.2d 771-72 (8th Cir 1984)) (JAVIERI McMICKENS 660 F Supp. 325, 326 (S.D.N.Y. 1987)). I'M AFRAID IF I MAKE A LEGAL MISTAKE (WHICH IS LIKELY) AND MY CASE GETS THROWN OUT SOMEHOW, I WOULD BE LEFT IN THE SAME MEDICAL CONDITION - STILL SUFFERING AS I AM NOW FOR WHO KNOWS HOW MUCH LONGER. (SWOFFORD V. MANDRELL 969 F.2d 547, 552 (7th Cir 1992))

9.) PLAINTIFF DID NOT WANT TO PURSUE A 1983 § SUIT AGAINST C.M.S AND ALL DEFENDANTS, BUT AFTER ENDURING EXORUCIATING PAIN AND SUFFERING FOR FOUR YEARS NOW; I HAVE NO CHOICE.

10) IF THE U.S. DISTRICT COURT DECIDES TO DENY PLAINTIFF'S  
MOTION FOR APPOINTMENT OF COUNSEL I WOULD HOPE THE  
COURT WOULD GIVE ME THE COURTESY OF EXPLAINING WHY.  
(HOWLAND V KILQUIST 833 F.2D 639, 646 (7<sup>th</sup> Cir 1987) ROBBIN'S  
V MAGGIO 750 F.2d 405, 413, (5<sup>th</sup> Cir 1985))

WHEREFORE, PLAINTIFF PRAYS FOR THE FOREGOING REASONS  
THAT PLAINTIFF'S OPPOSITION TO DEFENDENTS OPPOSITION MOTION  
FOR APPOINTMENT OF COUNSEL BE APPROVED/GRANTED.

APRIL 27, 2008  
[DATE]

ADAM WENZKE #182595  
[PLAINTIFF]

D.C.C. MHU #23  
1181 PADDOCK ROAD  
SMYRNA, DE 19977



***Lawyer Referral Service***  
*of the*  
***Delaware State Bar Association***



P.O. Box 7306  
Wilmington, Delaware 19803

January 18, 2008

Legal Help Link / Lawyer Referral: (302) 478-8850  
From Kent & Sussex Counties: 1-800-773-0606  
Facsimile: (302) 478-3048

I/M Adam Wenzke  
SBI#182595 Unit 19  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

**Berma J. Scott**  
**Lawyer Referral Manager**  
New Castle County  
Sussex County  
Kent County

Re: Request for Legal Assistance

Dear Mr. Wenzke:

We suggest that you contact the American Civil Liberties Union (ACLU). They often will assist with problems concerning prisoners' rights. Their address is 100 West 10<sup>th</sup> Street, Suite 309, Wilmington, DE 19801-1672. We suggest that you send them copies of your paperwork.

If you would like to hire a private attorney, the Lawyer Referral Service is made available to the community through a telephone interview and payment of a \$35.00 consultation fee. This fee entitles the caller to a half-hour consultation with an attorney. It takes approximately ten business days to find an attorney. The attorney's office will call to set up the appointment. The fee must be paid at the time of the consultation or no service will be given. **In the case of incarcerated or hospitalized individuals, a relative or friend should call the offices of the Lawyer Referral/Legal Help Link at 302-478-8850 or 1-800-773-0606 – this 800 number is for Delaware only.**

The Lawyer Referral Service finds a private attorney that practices in the area of law needed by the caller. **They do not answer legal questions, provide attorney lists, *Pro Bono* attorneys or provide legal representation themselves.** If a referral results in a private attorney accepting representation of a client, the attorney and the client will discuss the payment of attorney's fees between themselves. I hope you find this information helpful.

Sincerely,

Lawyer Referral Service, Inc.

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UNITED STATES DISTRICT COURT DISTRICT OF DELAWARE

ADAM WENZKE  
PLAINTIFF

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CORRECTIONAL MEDICAL  
SYSTEMS, DR. DES ROSIERS  
DR. TADEO, MR. ALTMAN  
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D BUTCHER AND STEPHANIE  
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DEFENDANTS

CASE No. 007-504 SLR

JURY TRIAL DEMANDED

AND NOW, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008, THE  
COURT HAVING CONSIDERED PLAINTIFF'S MOTION FOR  
APPOINTMENT OF COUNSEL (DI 44), AND ALL  
OPPOSITION THERETO, IT IS HEREBY ORDERED THAT  
THE MOTION IS GRANTED

HONORABLE JUDGE SUE L. ROBINSON

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE SERVED UPON ALL PERSONS LISTED BELOW A TRUE AND CORRECT COPY OF PLAINTIFF'S OPPOSITION MOTION TO DEFENDENTS OPPOSITION MOTION FOR APPOINTMENT OF COUNSEL WITH ATTACHMENT 1.

DEPARTMENT OF JUSTICE

CARUEL STATE OFFICE Bldg.

OPHELIA M WATERS A.D.A

820 N. FRENCH ST.

Wilm. DE 19801-3509

OFFICE OF THE CLERK

U.S. DISTRICT COURT

844 N. KING ST. LOCKBOX 18

Wilm, DE 19801-3570

APRIL 27, 2008

DATE

ADAM WENZKE

PLAINTIFF

U/M. ADAM WENZKE  
SBI# 182595 UNIT #23  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977



OFFICE OF THE CLERK  
U.S. DISTRICT COURT  
844 N. KING ST. (LOCKBOX 18)  
WILMINGTON, DE  
19801-3570

LEGAL MAIL